

1 BARRY J. PORTMAN
2 Federal Public Defender
3 JOHN PAUL REICHMUTH
4 Assistant Federal Public Defender
5 555 - 12th Street, Suite 650
6 Oakland, CA 94607-3627
7 Telephone: (510) 637-3500
8 Counsel for Defendant WEAGLE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

The above-captioned matter is set on October 20, 2011 before this Court for change of plea and judgment and sentencing. The parties jointly request that the Court continue the matter to October 26, 2011 at 10:00 a.m. for entry of plea, judgment, and sentencing, and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(G) and 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), between the date of this stipulation and October 26, 2011.

21 Counsel for Mr. Weagle is ill and is unable to come to court. Counsel anticipates that he
will be available on October 26, 2011 to proceed with the change of plea and with sentencing.

DATED: October 20, 2011

/S/
JOSHUA HILL
Assistant United States Attorney

DATED: October 20, 2011

/S/
JOHN PAUL REICHMUTH
Assistant Federal Public Defender

Stip. Req. To Continue Hearing Date and to Exclude Time, No. CR-11-279 SBA

ORDER

2 Based on the reasons provided in the stipulation of the parties above, the Court hereby
3 FINDS:

4 1. Counsel for the defendant is unavailable due to illness; and

5 2. The Court has taken the plea agreement under submission to allow United States

6 Probation Office to prepare a pre-plea presentence investigation report.

7 Based on these findings, IT IS HEREBY ORDERED that this matter is continued to
8 October 26, 2011 at 10:00 a.m. for change of plea and judgment and sentencing.

9 IT IS FURTHER ORDERED that time is excluded from the date of this Stipulation to
10 October 26, 2011 under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), to assure
11 the defendant continuity of counsel; and under 18 U.S.C. § 3161(h)(1)(G), based on the Court's
12 consideration of the proposed plea agreement to be entered into by the defendant and the
13 attorney for the government.

15 || DATED:10/21/11

Saundra B. Armstrong
HON. SAUNDRA BROWN ARMSTRONG
United States District Judge